

REMARKS

Claims 1-15 are all the claims pending in the application. Claims 1-14 are pending in the application and remain rejected under § 103(a) as being unpatentable over Ursel, et al. (U.S. Patent No. 5,178,237) in view of Evans (U.S. Patent No. 4,006,802). As discussed below, Applicant respectfully submits that the rejections are unfounded. Therefore, reconsideration of this rejection is requested.

As preliminary matter, the Examiner makes a number of incorrect statements regarding the prior art which alone is enough to result in reversal of the rejection by the Board.

First, referring to page 4 of the Office Action, the Examiner states that “Evans teaches an external thread (Figure 2, element 68) cooperating with the red fixedly joined to the casing (Figure 2, element 66).....” This statement is factually incorrect. As shown in Figure 2 of Evans, the external threads 68 of the threaded member 66 engage internal threads 71 of an outer rotatable drive ring 69, as discussed in column 5, lines 51-53 (“drive ring 69 is rotatably positioned within the housing 65 and has internal threads 71 that mate with the threaded member external threads 68.”). Accordingly, the Examiner’s assertion that element 66 is fixedly joined to the casing is factually incorrect. Claim 1 recites “a tubular element (22) coupled in rotation to the rotary member (15) so as to be rotatable therewith and having an external thread (21) co-operating with a thread (20) fixedly joined to the case (12).....”. As should be appreciated, the Examiner’s rejection is fatally flawed based on this inaccurate assessment of the prior art and the related improper obviousness determination.

Secondly, the Examiner states that element 66 in Evans has an internal thread that is opposite to the external thread thereof. *See*, page 4, second full paragraph, of the Office Action. This too is factually inaccurate. With reference to Figure 2 of Evans, the threaded nut member

66 has internal and external threads 68 and 63, as discussed in column 5, lines 39-55. However, these threads are not opposite to one another, but rather are simply of a different pitch, as discussed in column 5, lines 49-50. Claim 1 recites that the tubular nut element 22 has an external thread (23) that is opposite to the internal thread (21). As the Examiner should readily appreciate, contrary to the assertions presented in the Office Action, Evans simply does not teach or suggest this feature of the invention either.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider this rejection in view of the number of misstatements presented in the Office Action, making the rejection fatally flawed.

Applicant also wishes to also address the Examiner's response to the previous arguments presented by the Applicant. First, the Examiner clearly did not respond to each of the arguments presented by the Applicant in the last Response. The first argument presented by the Applicant in the last response, was that the threaded nut 23 of Ursel, et al. could not possibly correspond to the claimed tubular nut element 22 because whereas claim 1 requires that the tubular nut element be coupled in rotation to the rotary member so as to rotate therewith, in Ursel, et al. the threaded nut 23 is prevented from rotating. *See*, page 7 of the Response, first full paragraph. In response to this argument, the Examiner states:

In the pertinent art, it is known that one of the tubular nut or spindle has to rotate and the other has to be prevented from rotating. Evans teaches a tubular nut element that rotates as stated above in the modified rejection.

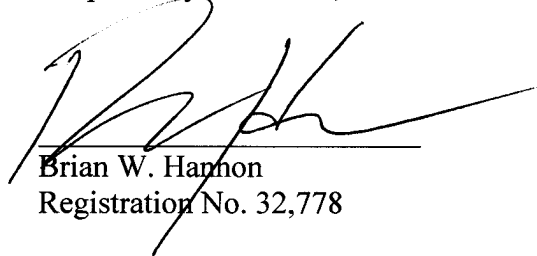
However, as far as Applicant can tell, the rejection has not been modified at all so that the same deficiency remains. Thus, it is clear that the Examiner has failed to adequately respond to this argument.

Secondly, Applicant argued that the Examiner's obviousness determination is unsupported because the proposed modification would not result in an arrangement in which the threaded member "will not rotate when the brake is mechanically adjusted," as the Examiner asserted in the Office Action. Again, the Examiner has failed to even address this argument.

In view of the foregoing, for the reasons discussed above, it is submitted that the claims patentably distinguish over the prior art. Therefore, it is respectfully requested that the application be allowed at the earliest possible convenience. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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